

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
OFFICE OF THE CLERK

BRUCE RIFKIN
CLERK

WILLIAM KENZO NAKAMURA
U.S. COURTHOUSE, SUITE 215
SEATTLE, WASHINGTON 98104

November 25, 2003

Mr. J. T. Noblin
Clerk
United States District Court
200 United States Courthouse
and Federal Building
701 North Main Street
Hattiesburg, MS 39401

IN RE: MDL 1407 (PPA) PHENYLPROPANOLAMINE PRODUCTS LIABILITY LITIGATION

Dear Clerk:

Enclosed is certified copy of the Transfer Order (CTO Tagalong) entered by the Judicial Panel on Multidistrict Litigation. The order became effective on November 19, 2003. We have assigned an individual Western District of Washington (WAW) case number to your case to be transferred to us as listed below.

Please send us your file along with a certified copy of your docket entries. When you send you file, please refer to our civil action number.

Title of Case
Ellis v. Wal-Mart Stores, Inc.

Your Number
4: 03-349

WAW Number

CV03-2676

Sincerely,

BRUCE RIFKIN, CLERK

BY *A. Elkington*
Agalelei Elkington, Deputy Clerk
206-553-4170 ext 4



01-MD-01407-L/TR

UNITED STATES OF AMERICA
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

CHAIRMAN:
Judge Wm. Terrell Hodges
United States District Court
Middle District of Florida

MEMBERS:
Judge John F. Keenan
United States District Court
Southern District of New York

Judge Bruce M. Selya
United States Court of Appeals
First Circuit

Judge Julia Smith Gibbons
United States Court of Appeals
Sixth Circuit

Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

DIRECT REPLY TO:

Michael J. Beck
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
Washington, D.C. 20002

Telephone: [202] 502-2800
Fax: [202] 502-2888

<http://www.jpml.uscourts.gov>

November 19, 2003

FILED
LODGED
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MAIL

NOV 24 2003

Bruce Rifkin, Clerk
215 William Kenzo Nakamura
U.S. Courthouse
1010 Fifth Avenue
Seattle, WA 98104-1130

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

Re: MDL-1407 -- In re Phenylpropanolamine (PPA) Products Liability Litigation

Charles Doug Ellis v. Wal-Mart Stores, Inc., S.D. Mississippi, C.A. No. 4:03-349

Dear Mr. Rifkin:

A conditional transfer order was filed in the above-captioned action on October 21, 2003. Prior to the expiration of that order's fifteen-day stay, opposition to the proposed transfer was filed and, pursuant to Rule 7.4(c) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435 (2001), the conditional transfer order was stayed until further order of the Panel. Inasmuch as the opposing party has failed to file the required motion and brief to vacate the conditional transfer order, an order is being filed lifting the stay of the conditional transfer order and transferring the action to your district pursuant to 28 U.S.C. § 1407. I am enclosing a certified copy of today's order lifting the stay.

A list of involved counsel is attached.

Very truly,

Michael J. Beck
Clerk of the Panel

By

Deputy Clerk

Enclosures

cc: Transferee Judge: Judge Barbara Jacobs Rothstein
Transferor Judge: Judge Tom S. Lee
Transferor Clerk: J.T. Noblin



01-MD-01407-ORD

JPML Form 68

A CERTIFIED TRUE COPY

NOV 19 2003

ATTEST
FOR THE JUDICIAL PANEL OF
MULTIDISTRICT LITIGATION

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

NOV 19 2003

FILED
CLERK'S OFFICE

DOCKET NO. 1407

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

**IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY
LITIGATION**

Charles Doug-Ellis v. Wal-Mart Stores, Inc., S.D. Mississippi, C.A. No. 4:03-349

ORDER LIFTING STAY OF CONDITIONAL TRANSFER ORDER

A conditional transfer order was filed in this action (*Ellis*) on October 21, 2003. Prior to expiration of that order's fifteen-day stay of transmittal, plaintiff in *Ellis* submitted a notice of opposition to the proposed transfer. Plaintiff subsequently failed to file the required motion and brief to vacate the conditional transfer order.

IT IS THEREFORE ORDERED that the stay of the Panel's conditional transfer order designated as "CTO-36" filed on October 21, 2003, is LIFTED insofar as it relates to this action, and thus the action is transferred to the Western District of Washington for inclusion in the coordinated or consolidated pretrial proceedings under 28 U.S.C. § 1407 being conducted by the Honorable Barbara Jacobs Rothstein.

FOR THE PANEL:

Michael J. Beck

Michael J. Beck
Clerk of the Panel